

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Danny R. Kennedy,)	
)	
Plaintiff,)	
)	Civil Action No. 0:14-04628-JMC
v.)	
)	ORDER AND OPINION
Carolyn W. Colvin,)	
Acting Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	
)	

Danny Kennedy (“Plaintiff”), proceeding *in forma pauperis*, brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of a final decision of the defendant, the Acting Commissioner of Social Security (“the Acting Commissioner”), which denied his claims for Supplemental Security Income (“SSI”). (ECF No. 1). On December 5, 2014, Plaintiff filed the complaint seeking an order from this court reversing the Acting Commissioner’s finding that Plaintiff does not meet the requirements to receive SSI based on his intellectual impairments. (ECF No. 1).

This matter was referred to Magistrate Judge Paige Gossett for a Report and Recommendation (“Report”) pursuant to Local Civil Rule 83.VII.02 for the District of South Carolina. The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. On March 28, 2016, the Magistrate Judge issued a Report recommending that the decision of the Acting Commissioner be affirmed because Plaintiff did not demonstrate deficits in adaptive functioning. (ECF No. 27). The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were notified of their right to file objections. (ECF No. 27 at 10). The parties were required to file objections by April 14, 2016. To date, Plaintiff has not filed any objections to the Report. In the absence of objections to the magistrate judge’s Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court finds the magistrate judge’s Report and Recommendation provides an accurate summary of the facts and law in the instant matter. The court **ACCEPTS** the magistrate judge’s Report (ECF No. 27), and incorporates it herein by reference. For the reasons set out in the Report, the Acting Commissioner’s decision is **AFFIRMED**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Court Judge

May 17, 2016
Columbia, South Carolina